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TIME: \_\_\_\_\_

DATE: November 5, 2002

Please deliver the following page(s) to:

Name: Examiner David Lukton

Facsimile Number: (703) 872-9306

Our File Number: 4147-10-PUS

Your Ref. No.: 09/646,599

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PATENT

#12/8/02  
11-20-02

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

GODDARD et al.

Serial No.: 09/646,599

Filed: January 10, 2001

Atty. File No.: 4147-10-PUS

For: "COMPOSITIONS CONTAINING  
LYSOPHOSPHOTIDIC ACIDS  
WHICH INHIBIT APOPTOSIS AND  
USES THEREOF"Assistant Commissioner for Patents  
Washington, D.C. 20231

Group Art Unit: 1653

Examiner: Lukton, D.

Facsimile: (703) 872-9306

AMENDMENT AND RESPONSE

## CERTIFICATE OF FACSIMILE TRANSMISSION

I HEREBY CERTIFY THAT THIS PAPER IS BEING FACSIMILE  
TRANSMITTED TO THE PATENT AND TRADEMARK OFFICE  
ON November 5, 2002.

SHERIDAN ROSS P.C.

BY: *Janice Messer*

Dear Sir:

This Response is filed in reply to the Office Action mailed 17 October 2002 (Paper No. 11). This response is filed within the one-month shortened statutory period. Applicants therefore believe that no fees are due with this response. In the event that any fees are due, please debit any underpayment to Deposit account No. 19-1970.

Please amend the above-identified patent application as follows:

Election/Restriction:

The Examiner has imposed a further restriction requirement under 35 U.S.C. § 121. Applicants previously elected the Examiner's Group 5, (Claim 5, drawn to compositions) and reaffirmed their election of compound 78 as a species for examination. Applicants respectfully requested that Claim 7 be joined with this chosen group as well. The Examiner now requires an election between invention 13 wherein "M" is a phosphorous atom and invention 14 wherein "M" is a sulfur atom.